

Entered - 07/19/02 - sb
CL02L0503 - DIANNE C. MITCHELL

03- R-0246

CLAIM OF: **JEFFREY ROGERS,**
through his attorney,
Guy J. Notte
216 North Main Street
Madison, Georgia 30650

For damages alleged to have been sustained as a result of a vehicular accident on March 3, 2002 at West Paces Ferry and Rembrandt Roads.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED
CITY COUNCIL MAR 03 2003

ADVERSE REPORT

COMM: *Public Safety*

DATE: *2-25-03*

CHAIR: _____

Chela Henderson

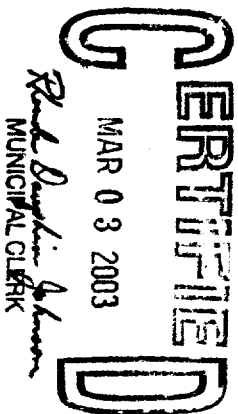
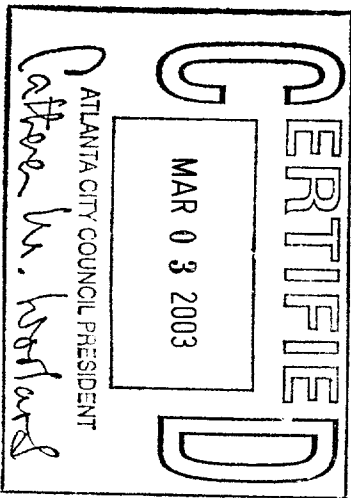
C. T. Martin

Alan Norwood

[Signature]

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[Signature]





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

March 17, 2003

Guy J. Notte
Attorney at Law
216 North Main Street
Madison, GA 30650

03-R-0246

RE: Jeffrey Rogers

Dear Attorney Notte:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0503

Date: February 5, 2003

Claimant /Victim JEFFREY ROGERS
BY: (Atty) Guy J. Notte
Address: 216 Main Street, Madison, Georgia 30650
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 07/15/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/03/02 Place: West Paces Ferry and Rembrandt Roads
Department Watershed Management Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he lost control of his vehicle and struck another car resulting in two fatalities and property damage and that the accident was due to an accumulation of water on the roadway. The investigation determined that the claimant was at fault for this accident and was charged with Driving Under the Influence, Driving Too Fast for Conditions, Reckless Driving and two counts of Vehicular Homicide.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent X City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Dianne C. Mitchell Concur/date 02-06-03
Committee Action: Council Action

RCS# 4504
3/03/03
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT 1

3/03/03 FULL COUNCIL MEETING	
Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 03-O-0154	32. 03-R-0244
2. 03-O-0155	33. 03-R-0246
3. 03-O-0156	34. 03-R-0247
4. 03-O-0157	35. 03-R-0248
5. 03-O-0158	36. 03-R-0249
6. 03-O-0159	36.03-R-0250
7. 03-O-0227	37.03-R-0251
8. 03-O-0230	38.03-R-0252
9. 03-O-0231	39. 03-R-0253
10. 03-O-0278	40. 03-R-0254
11. 03-R-0232	41. 03-R-0255
12. 03-R-0285	42. 03-R-0256
13. 03-R-0216	43. 03-R-0257
14. 03-R-0222	44. 03-R-0258
15. 03-R-0309	45. 03-R-0259
16. 03-R-0226	46. 03-R-0260
17. 03-R-0283	47. 03-R-0261
18. 03-R-0284	48. 03-R-0262
19. 03-R-0324	49. 03-R-0263
20. 03-R-0237	50. 03-R-0264
21. 03-R-0238	51. 03-R-0265
22. 03-R-0239	52. 03-R-0266
23. 03-R-0240	53. 03-R-0267
24. 03-R-0241	54. 03-R-0268
25. 03-R-0242	55. 03-R-0269
26. 03-R-0243	56. 03-R-0270
27. 03-R-0245	57. 03-R-0271
28. 03-R-0279	58. 03-R-0272
29. 03-R-0280	59. 03-R-0273
30. 03-R-0281	60. 03-R-0274
31. 03-R-0282	61. 03-R-0275
	62. 03-R-0276
	63. 03-R-0277

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)
Item Removed from the Consent Agenda: 03-R-0321